

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) Chapter 7  
 )  
STEVEN L. MACALUSO ) Case No. 06 B 09681  
 )  
Debtors ) Hon. Pamela S. Hollis  
Debtors. )

**COVER SHEET FOR APPLICATION  
FOR PROFESSIONAL COMPENSATION**

Name of Applicant: HERZOG & SCHWARTZ, P.C.

Authorized to Provide Professional Services to: Trustee

Date of Order Authorizing Employment: October 12, 2006

Period For Which Compensation is Sought: From September 14, 2006  
through present

Amount of Fees Sought: \$ 6,405.00

Amount of Expense Reimbursement Sought: \$ 0.00

This is a(n): Interim Application    Final Application   X  

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Period</u>	<u>Total Requested Fees and Expenses</u>	<u>Total Allowed</u>	<u>Any Amount Ordered Withheld</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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**IN RE:** ) **Chapter 7**  
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**STEVEN L. MACALUSO** ) **Case No. 06 B 09681**  
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**Debtors** ) **Hon. Pamela S. Hollis**

**FINAL APPLICATION FOR  
COMPENSATION OF COUNSEL FOR THE TRUSTEE**

Pursuant to 11 U.S.C. §331, HERZOG & SCHWARTZ, P.C., counsel for the Trustee, David R. Herzog, respectfully applies to this Court for final compensation for actual, necessary services rendered and reimbursement for actual, necessary out-of-pocket expenses. HERZOG & SCHWARTZ, P.C. has divided this application into two parts. The first part of the application shall review the problems confronted by the Trustee and provide general background information. The second part of the application shall provide an analysis by task of legal work performed by the HERZOG & SCHWARTZ, P.C.

**PART I**

**BACKGROUND**

The debtor, STEVEN L. MACALUSO, filed a petition under Chapter 7 on August 9, 2006. Thereafter, DAVID R. HERZOG was appointed Trustee and accepted his appointment. On October 12, 2006, an order was entered which permitted the Trustee to employ the law firm of Herzog & Schwartz, P.C. (the "law firm"), as attorneys for the Trustee.

Each task performed by the law firm will be discussed in detail. This fee application covers services rendered by the law firm for the period of August 14, 2006 through the present. The

billable rates for members of the law firm were charged on an hourly basis. This application sets forth the hours of work performed per attorney, per task at the hourly rate that was in effect at the time the services were provided. A detailed description of each time entry is attached to this application as Exhibit A.

## **PART II**

### **TASK ANALYSIS**

#### **A. Sale of Real Estate**

The law firm spent 6.9 hours in connection with the sale of of real estate of the Debtor. The firm spent time working with the broker on these transactions, assuring the property was secure, as well as working on title issues, preparation of closing documents, and attending the closing of the transaction.

	<u>Hours</u>	<u>Costs</u>
David R. Herzog @ 350.00 per hour	6.90	\$ 2,415.00
<b>TOTAL</b>	<b>6.90</b>	<b>\$ 2,415.00</b>

#### **B. Claims Issues**

The law firm spent 3.9 hours in connection with the review of claims and associated priority issues.

	<u>Hours</u>	<u>Costs</u>
David R. Herzog @ 250.00 per hour	3.90	\$ 1,365.00
<b>TOTAL</b>	<b>3.90</b>	<b>\$ 1,365.00</b>

C. Miscellaneous

The law firm spent 7.50 hours in connection with miscellaneous matters, including investigation of other possible assets, employment of professionals, as well as preparation of the final report.

	<u>Hours</u>	<u>Costs</u>
David R. Herzog @ 250.00 per hour	7.50	\$ 2,625.00
<b>TOTAL</b>	<b>7.50</b>	<b>\$ 2,625.00</b>

**RECAPITULATION**

	<u>Hours</u>	<u>Costs</u>
Category A	6.90	\$ 2,415.00
Category B	3.90	\$ 1,365.00
Category B	7.50	\$ 2,625.00
<b>TOTAL</b>	<b>18.30</b>	<b>\$ 6,405.00</b>

WHEREFORE, the law firm respectfully requests that this Honorable Court enter an Order:

1) Granting the law firm reasonable compensation of \$6,405.00, and necessary expenses of \$0.00 for legal services rendered in this case.

2) For such further relief that this Honorable Court deems just and reasonable.

HERZOG & SCHWARTZ, P.C.

By: /s/ David R. Herzog

David R. Herzog  
HERZOG & SCHWARTZ, P.C.  
Attorneys for the Trustee  
77 West Washington Street  
Suite 1717  
Chicago, Illinois 60602  
(312) 977-1600

**EXHIBIT F-A**

**ATTORNEY TIME FOR CATEGORY A**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
10/19/06	Herzog, David Call to broker re listing agreement; receive and review same.	0.50	175.00	A
01/19/07	Herzog, David T/C with broker re Contract to Purchase	0.25	87.50	A
01/30/07	Herzog, David Obtain unpaid real estate tax information.	0.50	175.00	A
02/05/07	Herzog, David Prepare motion for approval of sale.	1.50	525.00	A
02/13/07	Herzog, David Prepare supplement to motion to sale, file same.	0.50	175.00	A
02/22/07	Herzog, David Attend court on motion to approve sale.	1.00	350.00	A
02/28/07	Herzog, David Calls to title company re title commitment. and closing.	0.15	52.50	A
03/13/07	Herzog, David Attend closing.	2.50	875.00	A

**ATTORNEY TIME FOR CATEGORY B**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
04/20/07	Herzog, David Review objection to claim filed by atty for Macaluso.	0.25	87.50	B
06/23/07	Herzog, David Review objection to claim filed by Debtor.	0.25	87.50	B
03/10/08	Herzog, David Call from debtor re claim of Joel Levin.	0.25	87.50	B
09/17/08	Herzog, David Call from Joel Levin re claim.	0.05	17.50	B
11/28/08	Herzog, David Review opinion in Greco matter re priority of claim of child representative and domestic support obligation.	0.50	175.00	B
01/28/09	Herzog, David Call from Joel Levin re appeal of priority issue.	0.15	52.50	B
12/30/09	Herzog, David Research on priority claim issue.	2.00	700.00	B

**ATTORNEY TIME FOR CATEGORY C**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
09/14/06	Herzog, David Prepare motions to employ broker and atty.	1.50	525.00	C
10/05/06	Herzog, David Attend motion to employ broker and attorney.	1.00	350.00	C
10/12/06	Herzog, David Attend employment of broker and attorney.	1.00	350.00	C
10/19/06	Herzog, David Attend court re motion to lift stay.	1.00	350.00	C
02/24/07	Herzog, David Review adversary of Block against debtor.	0.25	87.50	C
07/04/07	Herzog, David Review motion to vacate discharge filed by G. Block.	0.25	87.50	C
07/19/07	Herzog, David Attend court hearing on various motions.	0.75	262.50	C
08/30/07	Herzog, David Attend court on motion to compromise re Gloria Block.	0.50	175.00	C
09/27/07	Herzog, David Attend court hearing-re Block.	0.50	175.00	C
03/29/09	Herzog, David Review motion to abandon filed by David Lloyd re P.I. claim.	0.25	87.50	C
04/14/09	Herzog, David Attend court hearing on motion to abandon.	0.50	175.00	C
01/12/09	Herzog, David Prepare Final Report.	2.00	700.00	C



**TRUSTEE TIME**

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>	<u>Category</u>
08/14/06	Herzog, David Extended conference with creditors re assets; review docket re p.i. case; call to broker re value of real estate.	1.50	525.00	T
08/16/06	Herzog, David Investigate possible assets re realty.	1.00	350.00	T
08/21/06	Herzog, David Investigate value of property asset.	0.50	175.00	T
08/28/06	Herzog, David Conference with broker re real estate	0.25	87.50	T
09/01/06	Herzog, David Review documents forwarded by creditors.	0.50	175.00	T
09/11/06	Herzog, David Review file, need for employment of professional; asset review and liquidation of potential assets.	1.00	350.00	T
09/27/06	Herzog, David Review documents furnished by creditor as to possible asset.	0.75	262.50	T
10/03/06	Herzog, David Conference with broker	0.15	52.50	T
10/04/06	Herzog, David Prepare for and conduct continued meeting of creditors.	2.50	875.00	T
11/21/06	Herzog, David Call from broker re potential offer.	0.10	35.00	T
12/19/06	Herzog, David Conference with broker re property.	0.15	52.50	T